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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,107	01/28/2004	Han Ki Cho	9988.099.00-US	9733
30827	7590	10/07/2005		
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006				
			EXAMINER HANSEN, JAMES ORVILLE	
			ART UNIT 3637	PAPER NUMBER

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/765,107

Applicant(s)

CHO, HAN KI

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 and 13-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Claims 6-8 & 13-48 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on September 22, 2005. It is noted that claims 7-8 & 13-48 were non-elected by applicant in the response to the requirement, while claim 6 is further withdrawn by the examiner since the claim reads on the Group II embodiment [Figure 4A specifically].

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "251" and "252". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Figures 1A-1B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled

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"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: On page 11 of the Specification paragraph [0052], there is no "Fig. 2" represented in the drawings. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-5 & 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1, it is unclear if applicant is positively claiming a "washing machine" or "dryer" in combination with the "pedestal". In lines 2-3 the claim states "for supporting a bottom of a washing machine or a laundry dryer to a height" which does not appear to specifically claim these members, but further down in the claim there appears to be a positive recital of structure (line 4, "coupling means provided to a side of the washing machine or dryer...") indicating that these members are possibly being claimed as a positive limitation. For examination purposes, the examiner has taken the position that the washer or dryer are being claimed in combination with the pedestal. In Claim 4, the

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phrase “the first fastening member and the second fastening member” [each member being in the singular sense] is unclear and confusing as presently worded since it is not clear if these members are associated with the first and second fastening members [plural] as previously recited, or if they are new and distinct limitations [if these members are associated with the earlier limitation, they should be represented as “wherein at least one member of the first fastening member” or “wherein at least one of the first fastening members” etc]. Consequently, the remaining claims are rejected because they are dependent upon an indefinite claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 9 & 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by German publication DE 19838631 [known hereafter as DE`631]. DE`631 (figures 1-4c) teaches of a pedestal (fig. 2) comprising: a pedestal body (10) for supporting a bottom of a washing machine (14) to a height; and at least one coupling means (figs. 4a-4c for example) provided both to a side [the broad recitation of “a side” is being interpreted as pertaining to any side of these members i.e., a front side, a bottom side, a lateral side, a top side for example] of the washing machine and a side of the pedestal body for coupling the washing machine with the pedestal body (note fig. 4a), wherein the coupling means includes; a coupling member (54) provided both to a side of the washing machine, and a side of the pedestal body under the washing machine,

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and fastening members (58, 26 for example) for fastening the coupling member to the side of the washing machine and the side of the pedestal body, respectively; wherein the fastening members include, first fastening members (58) for fastening an upper part of the coupling member to the side of a lower part of the washing machine, and second fastening members (26) for fastening a lower part of the coupling member to the side of an upper part of the pedestal, wherein the body further includes a receiving part (viewed as the receiving space or volume located within the body – so far as broadly recited) for putting things therein, and wherein the coupling means is designed to adjust a height of the washing machine by means of the adjusting members (58).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1 & 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason [U.S. Patent No. 1,756,984] in view of DE'631. Mason (figures 1-2) teaches of a pedestal (fig. 2) comprising: a pedestal body (2) for supporting a bottom of an appliance (1) to a height; and at least one coupling means (6 – so far as broadly recited) provided both to a side of the washing machine and a side of the pedestal body for coupling the washing machine with the pedestal body (note fig. 1 for example), wherein the body further includes a drawer (3) for putting things therein and for opening a front part of the body. Mason teaches applicant's inventive claimed

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structure as disclosed above, but does not show the appliance as being a washing machine for example. DE`631 is cited as an evidence reference to show that it was known in the art to support an appliance, namely a washing machine, via a pedestal body. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the prior art by substituting the appliance for a different appliance that is supported by a pedestal because the supporting reference shows that a washing machine supported by a pedestal is an equivalent structure known in the art. Therefore, because these two were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute one supported appliance for another.

11. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE`631 in view of Lundagards [U.S. Patent No. 5,692,722]. DE`631 teaches applicant's inventive claimed structure as disclosed above, but does not show the second fastening member as being an adhesive tape [DE`631 uses screws].

Lundagards is cited for teaching the use of adhesive tape (see col. 4) used to secure coupling members (4, 5) to supporting member and an appliance respectively.

Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the prior art by utilizing adhesive tape as apposed to the mechanical fasteners, because the supporting reference shows that an appliance can be coupled to a supporting member via adhesively secured coupling members in lieu of mechanical fasteners. Therefore, because these two fastener means were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to

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substitute one for another depending upon the personal preferences or needs of the user.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE`631 in view of Mason. DE`631 teaches applicant's inventive claimed structure as disclosed above, but does not show a drawer located within the body. Mason is cited for teaching the use of a drawer (3) coupled with a pedestal body. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the prior art by incorporating a drawer within the pedestal body because this arrangement would provide DE`631 with a means to readily access items/contents stored within the body of the pedestal since a drawer could be withdrawn from the body and easily inspected, then retracted back into the body to present an aesthetic pleasing pedestal appearance.

Conclusion

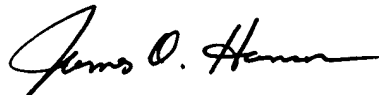
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blumenschein, Lake, Wright, Korean publication 1992-0008860, and Kopp describe pedestal bodies for appliances.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
September 30, 2005